

YANKTON COUNTY COMMISSION MEETING  
December 4, 2018

The regular meeting of the Yankton County Commission was called to order by Chairman Todd Woods at 4:00 PM on Tuesday, December 4, 2018.

Roll Call was taken with the following Commissioners present: Debra Bodenstedt, Raymon Epp, Don Kettering and Todd Woods; Absent: Gary Swensen.

There were no conflicts of interest reported by Commissioners.

**Action 18446C:** A motion was made Bodenstedt and seconded by Kettering to approve the meeting agenda with the following additions: December 28 meeting for year-end business and status of Planning & Zoning issues. All present voted aye; motion carried.

**Action 18447C:** A motion was made by Kettering and seconded by Bodenstedt to approve the minutes of the November 20, 2018 meeting with the following correction: meeting called to order should have been Tuesday, November 20. All present voted aye; motion carried.

**Action 18448C:** A motion was made by Kettering and seconded by Epp to approve the following claims: Cyril Neiles (Refund-building permit) \$137.00; **Commissioners:** River Rat Productions (Professional Services) \$500.00, EMC Insurance Companies (Professional Services) \$2,500.00; **Elections:** Hy-Vee (Supplies) \$17.26, 2018 General Election Workers (1 @ \$15.00) \$15.00, Qualified Presort Services, Inc. (Supplies) \$161.82, Verizon (Utilities) \$360.09, One Office Solution (Maintenance) \$103.97, 2018 General Election Workers (1 @ \$60.00) \$60.00; **Court:** Avera Sacred Heart Hospital (Lab) \$420.00, Jurors Fees (10 @ \$50.00) \$500.00, Jurors Fees-MI (2 @ \$12.60) \$25.20, Jurors Fees-MI (1 @ \$33.60) \$33.60, Jurors Fees-MI (1 @ \$6.72) \$6.72, Jurors Fees-MI (1 @ \$1.68) \$1.68, Fox & Youngberg, PC (Professional Services) \$15,000.00, Jurors Fees-MI (1 @ \$16.80) \$16.80, Dean Schaefer (Professional Services) \$1,001.00, Witness Fees (2 @ \$40.00) \$40.00; **Auditor:** Qualified Presort Services LLC (Supplies) \$100.36, One Office Solution (Maintenance) \$65.80, One Office Solution (Supplies) \$204.10; **Treasurer:** Qualified Presort Services LLC (Supplies) \$380.74; **Data Processing:** Leaf (Rentals) \$81.87; **States Attorney:** NDAA Insurance Services (Insurance) \$2,735.00, Culligan Water (Supplies) \$13.00, Executive Management Finance Office (Utilities) \$24.75, Hy-Vee (Supplies) \$16.98, Qualified Presort Service (Supplies) \$119.51; Staples Credit Plan (Supplies) \$876.96; **Government Building:** City of Yankton (Utilities) \$204.95, Echo Electric (Supplies) \$36.00, JCL Solutions (Supplies) \$484.75, Menards (Supplies) \$147.66, Northwestern Energy (Utilities) \$2,224.08, Otis Elevator Company (Maintenance) \$798.75; **Director of Equalization:** Kopetsky's Ace Hardware (Supplies) \$23.98, IAAO (Travel) \$670.00, Clubhouse Hotel & Suites (Travel) \$282.00, Qualified Presort Services LLC (Supplies) \$29.60, Verizon (Utilities) \$174.39, One Office Solution (Maintenance) \$21.83; **Register of Deeds:** Executive Management Finance Office (Utilities) \$24.75, Qualified Presort Services LLC (Supplies) \$37.00, One Office Solution (Supplies) \$73.50; **VA:** Hanson Briggs Specialty Advertising, Inc. (Supplies) \$62.49,

DataSpec, Inc. (Maintenance) \$449.00; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$100.12, Automatic Building Controls (Maintenance) \$2,055.00, City of Yankton (Utilities) \$3,107.30, Cole Papers, Inc. (Supplies) \$589.94, Menards (Supplies) \$29.97, MidAmerican Energy (Utilities) \$2,202.69, Northwestern Energy (Utilities) \$7,328.95, Olson's Pest Technician (Maintenance) \$110.00; **Sheriff:** Scott Silvernail (Travel) \$22.00, Mark Payer (Travel) \$64.00, Clint Clites (Travel) \$49.00, Cardmember Services (Fuel) \$142.09, Cardmember Services (Supplies) \$147.20, Cardmember Services (Travel) \$540.98, Leslie Drake (Travel) \$22.00, Fox Run Quik Lube (Maintenance) \$98.23, Auto Value Yankton (Maintenance) \$226.99, Interstate All Battery Center (Supplies) \$16.40, Jack's Uniforms & Equipment (Uniforms) \$454.34, National Public Safety Information (Books) \$174.00, Pennington County Jail (Travel) \$140.65, Qualified Presort Services LLC (Maintenance Contracts) \$156.40, South Dakota Sheriff's Association (Professional Services) \$1,173.14, Bradley Swenson (Travel) \$22.00, Tire Muffler Alignment (Maintenance) \$2,357.44, James C. Vlahakis (Travel) \$64.00, Walmart Community/GEMB (Supplies) \$260.37, One Office Solution (Supplies) \$42.30; **County Jail:** American Institutional Supply Company (Supplies) \$523.89, Bob Barker Company, Inc. (Supplies) \$356.08, Scott Family Dentistry (Professional Services) \$1,045.00, CBM Food Service (Food Services) \$7,845.38, Charm-Tex (Supplies) \$457.92, Cardmember Services (Travel) \$192.00, Diamond Drugs (Prof Services) \$477.70, Hy-Vee (Professional Services) \$34.09, JCL Solutions (Supplies) \$1,753.29, Menards (Supplies) \$122.96, One Office Solution (Supplies) \$74.54; **Juvenile Detention:** Minnehaha County Regional Detention Center (Other) \$77.00, Minnehaha County Regional Detention Center (Rental) \$11,220.00; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$142.47; **Public Health Nurse:** Qualified Presort Services LLC (Supplies) \$141.61; **Ambulance:** Sacred Heart Health Services (Professional Services) \$1,500.00, Arrow Manufacturing (Maintenance) \$1,032.00, Bound Tree Medical LLC (Supplies) \$1,200.59, City of Yankton (Utilities) \$150.07, Cox Auto Supply, Inc. (Supplies) \$26.68, Credit Collection Services, Inc. (Professional Services) \$50.71, Aladtec, Inc. (Professional Services) \$2,200.00, Cintas (Supplies) \$64.79, Danko Emergency Equipment Co. (Supplies) \$509.52, Embroidery & Screen Works, Inc. (Supplies) \$30.00, Leaf (Rentals) \$92.62, Menards (Supplies) \$58.44, Northwestern Energy (Utilities) \$946.67, Olson's Pest Technician (Maintenance) \$114.00, Verizon (Utilities) \$617.73, One Office Solution (Supplies) \$255.84; **Mental Illness Board:** Lincoln County Treasurer (Hearings-MI) \$430.50, Lucille Lewno (Hearings-MI) \$241.50, Minnehaha County Auditor (Hearings-MI) \$84.60; **County Extension:** A & T Industries (4-H Miscellaneous Expense) \$87.24, City of Yankton (Utilities) \$66.07, Katie Doty (Travel) \$21.42, Hy-Vee (Supplies) \$43.43, Leaf (Rentals) \$176.40, MidAmerican Energy (Utilities) \$53.63, Northwestern Energy (Utilities) \$221.04, National 4-H Council Supply Service (Supplies) \$54.26, Yankton County Observer (Travel) \$30.00, Olson's Pest Technician (Maintenance) \$150.00, The Trophy Place (Supplies) \$184.00; **Planning & Zoning:** 3-D Specialties Inc. (E911 Signs) \$196.40, Qualified Presort Services LLC (Supplies) \$80.10, One Office Solution (Supplies) \$30.29; **Road & Bridge:** Appeara (Supplies) \$119.62, C & B Operations LLC (Rentals) \$10,410.00, Butler Machinery Co. (Supplies) \$763.53, City of Yankton (Utilities) \$59.54, Cox Auto Supply, Inc. (Supplies) \$247.83, CenturyLink (Utilities) \$57.90, Core Engineering & Consulting, Inc. (Bridges) \$2,364.50, Snap On Tools (Supplies) \$1,373.02, Diamond Mowers Inc. (Supplies) \$440.26, Ehresmann Engineering, Inc. (Supplies) \$231.00,

Fastenal Industrial (Supplies) \$37.37, Filter Care of Nebraska (Supplies) \$56.65, Graham Tire Yankton (Supplies) \$161.40, Auto Value Yankton (Supplies) \$89.90, I State Truck Center (Supplies) \$263.63, Rick Hlavac (Supplies) \$531.32, Mark's Machinery (Machinery Equipment) \$43,750.00, Stern Oil Company, Inc. (Supplies) \$97.53, Titan Machinery (Rentals) \$10,054.50; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.25, City of Yankton (Professional Services-Dispatcher) \$56,631.00, City of Yankton (Professional Services (Personnel Service) \$20,159.00, CenturyLink (Utilities) \$1,827.20; **Emergency Management:** Vast Business (Utilities) \$265.62, TIAA Commercial Finance, Inc. (Rentals) \$193.15, Powers Port A Pot (Supplies-LEPC) \$300.00, Electair, Inc. (Supplies) \$253.69, Leaf (Rentals) \$85.79, Menards (Supplies) \$95.41, Qualified Presort Services, Inc. (Supplies) \$8.90, Racom (Utilities) \$35.15, Verizon (Utilities) \$418.70; **Non-Departmental: 24/7 Sobriety Fund:** (Refunds) \$1,067.00; PharmChem, Inc. (Supplies) \$1,773.65, Redwood Toxicology Laboratory (Supplies) \$35.00; **County Law Library:** West Payment Center (Supplies) \$777.74. General Fund \$88,425.91, Road & Bridge \$71,109.50, Emergency Management, \$1,656.41. All present voted aye; motion carried.

**Action 18449C:** A motion was made by Kettering and seconded by Bodenstedt to approve the November, 2018 gross Payroll: **Commissioners:** \$5,469.99; **Election:** \$539.20; **Auditor:** \$13,991.77; **Treasurer:** \$16,457.25; **States Attorney:** \$28,512.76; **Custodian:** \$6,967.05; **Director of Equalization:** \$23,393.02; **Register of Deeds:** \$12,129.64; **Veterans Service:** \$3,203.13; **Courthouse & Safety Center:** \$6,346.19; **Sheriff:** \$67,258.76; **County Jail:** \$75,117.00; **Coroner:** \$600.00; **Juvenile:** \$433.76; **Nurse:** \$2,974.88; **Ambulance:** \$48,940.14; **WIC :** \$1,265.62; **Extension:** \$6,854.96; **Soil Conservation:** \$2,873.12; **Weed:** \$3,078.77; **Planning & Zoning:** \$8,079.55; **Road & Bridge:** \$69,425.38; **E911:** \$0.00; **OEM:** \$5,596.71; **24-7 Program:** \$3,199.94. First Dakota National Bank \$30,507.8 (Withholding), First Dakota National Bank \$50,046.66 (FICA) First Dakota National Bank \$11,704.48 (Medicare), South Dakota Retirement System \$30,390.88 (Other Employees), South Dakota Retirement System \$19,838.80 (Sheriff/OEM), South Dakota Retirement System (Spouse Opt) \$113.48, South Dakota Retirement System (Supplemental) \$3,590.45, American Family Life Assurance Company (AFLAC) \$5,577.04, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$503.09, Colonial Life & Accident 1,766.25, Optilegra \$482.80, Wellmark BC Health Insurance \$61,839.26, United Way of Greater Yankton \$97.50, Delta Dental \$421.00, VSP Vision \$128.14. Gross Payroll \$412,756.59, Net Payroll \$310,482.37. All present voted aye; motion carried.

**Action 18450C:** A motion was made by Bodenstedt and seconded by Epp to approve a temporary 1 Day Malt Beverage License for 6<sup>th</sup> Meridian LLC at Mead Cultural Education Center December 11<sup>th</sup> and December 31<sup>st</sup>. All present voted aye; motion carried.

**Action 18451Hwy:** A motion was made by Epp and seconded by Kettering to allow the County Auditor to advertise for the County Highway Superintendent position and to appoint Michael J. Sedlacek as acting Superintendent and approve the \$1.00 wage increase per hour for Sedlacek until the position is filled. All present voted aye; motion carried.

**Action 18452C:** A motion was made by Bodenstedt and seconded by Epp to allow the County Auditor to advertise for a custodian. All present voted aye; motion carried.

**Budget:** Brian Hunhoff, Register of Deeds, appeared before the board to request the board increase the county employee raise to 3% instead of the 2% currently approved for 2019.

**Workman's Comp:** Roger Smith of MT & RC Smith Insurance Agency discussed Workman's Compensation premiums and claims.

**Highway:** Superintendent Brian Gustad appeared before the board for approval of the bid received from Titan Machinery for \$106,000.00 for 2012 Excavator. The bid includes credit to for rental cost of \$32,542.00. Gustad also informed the board that Johnson Bridge had been opened. The board also discussed the status of the Big Grant and the Agri. Business Grant.

**Action 18453H:** A motion was made by Kettering and seconded by Epp to accept the bid from Titan Machinery in the amount of \$106,000.00 for 2012 Excavator. All present voted aye; motion carried.

**Removal of Landscaping:** James DeSaix, from Beresford, SD appeared to request the board to order removal of monster blocks and foundation from Lots 4A and 5, in Oak Hills Addition. Mr. DeSaix presented letters from adjacent land owners expressing concerns of the monster block wall causing a landside, damage to property and life. States Attorney Rob Klimisch said he did not think the county would have authority to act on the request. Jody Titze, Dennis Michels and Bert Bucher also commented on the matter. Klimisch said he would look into the matter further and report back to the board.

**Action 18454Z:** A motion was made by Epp and seconded by Bodenstedt to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Maximum Accessory Structure from Bob Law. Variance of Maximum Accessory Structure from 2,000 sq. ft. with 14 foot sidewalls to 12,000 sq. ft. with 20' foot sidewalls (80' x 150') in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as W1/2, NW1/4, N/Hiway, S10-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 3812 SD Hwy 314, Yankton, SD. The Planning Commission recommended approval 8-0.

**Action 18455Z:** A motion was made by Kettering and seconded by Bodenstedt , based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Maximum Accessory Structure for Bob Law pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance in in Yankton County. Requirement from 2,000 sq. ft. with 14 foot sidewalls to 12,000 sq. ft. with 20' foot sidewalls (80' x 150') in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as W1/2, NW1/4, N/Hiway, S10-T93N-

R56W, hereinafter referred to as Utica South Township, Yankton, SD. The E911 address is 3812 SD Hwy 314, Yankton, SD. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Yard Requirement from Jason Clark. Variance of Minimum Yard Requirement in rear yard from twenty (20) feet to five (5) feet for an accessory structure in a High Density Rural Residential District (R-3) in Yankton County. Said property is legally described as Lot 14, Block 3, Riverside Acres, S22-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 116 Case St., Yankton, SD. The Planning Commission recommended approval 8-0.

**Action 18456Z:** A motion was made by Bodenstedt and seconded by Epp, based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Yard Requirement for Jason Clark pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance Yankton County. Requirement in rear yard from twenty (20) feet to five (5) feet for an accessory structure in a High Density Rural Residential District (R-2). Said property is legally described as Lot 4, Block 3, Riverside Acres, S22-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 116 Case St., Yankton, SD. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Yard Requirement from Paul Rolston. Variance of Minimum Yard Requirement in side yard from ten (10) feet to three (3) feet for an accessory structure in a High Density Rural Residential District (R-3) in Yankton County. Said property is legally described as Lot 19, Block 1, Timberland Park S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 104 Forestview Drive, Yankton, SD. The Planning Commission recommended approval 8-0.

**Action 18457Z:** A motion was made by Kettering and seconded by Bodenstedt, based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Yard Requirement for Paul Rolston pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance Yankton County. Requirement in side yard from ten (10) feet to three (3) feet for an accessory structure in a High Density Rural Residential District (R-2). Said property is legally described as Lot 19, Block 1, Timberland Park S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 104 Forestview Drive, Yankton, SD. All present voted aye; motion carried

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Lot Requirement from Melvin Peterson. Variance of Minimum Lot Requirement from twenty (20) acres to six(6) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, exc Lot R-1, S8-T95N-R57W, hereinafter referred to as

Lesterville Township, County of Yankton, State of South Dakota. The E911 address is 29885 430<sup>th</sup> Avenue, Lesterville, SD. The Planning Commission recommended approval 8-0.

**Action 18458Z:** A motion was made by Bodenstedt and seconded by Epp, based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Lot Requirement for Melvin Peterson pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance Yankton County. Requirement from twenty (20) acres to six (6) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, exc Lot R-1, S8-T95N-R57W, hereinafter referred to as Lesterville South Township, County of Yankton, State of South Dakota. The E911 address is 29885 430<sup>th</sup> Avenue, Lesterville, SD. All present voted aye; motion carried

**CUP & Variance:** Hearing for Curtis Olivier has been continued on request of the applicant.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Karl Schenk. Applicant requested a permit to build a Class E 2400 head (960) AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture district (AG) in Yankton County. Said property is legally described as NE1/4, NE1/4, E3/4, NW1/4, & N3/7, SE1/4, NE1/4, exc Gray's Addition & N3/7, E3/4, SW1/4, NE1/4, S24-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address TBA 306<sup>th</sup> Street, SD. The Planning Commission recommended approval 8-0.

The proponents and opponents were allowed 30 minutes each for comments and the applicant will have 10 minutes for rebuttal.

Applicant Karl Schenk spoke on his CUP application.

Kerry Carden spoke on the permit.

Speaking in opposition were Nancy Teachout, Carmen Tieszen, Michelle Adams and Kristi Schultz.

Mr. Schenk gave a brief statement of rebuttal.

**Action 18459Z:** A motion was made by Epp and seconded by Kettering to approve a Conditional Use Permit for Karl Schenk, based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for a Class E 2400 head (960) AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as NE1/4, NE1/4, E3/4, NW1/4, & N3/7, SE1/4, NE1/4, exc Gray's Addition & N3/7, E3/4, SW1/4, NE1/4, S24-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of

Yankton, State of South Dakota. E911 address is TBA 306<sup>th</sup> Street, Yankton, SD Roll call vote was taken with Epp, Kettering, Bodenstedt and Woods voting aye; Motion carried, 4-0.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Joshua Johnson. Applicant requested a permit to build a Class E 2400 head (960 AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture district (AG) in Yankton County. Said property is legally described as Johnson Family Addition, S12-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address 30443 446<sup>th</sup> Avenue, Volin, SD. The Planning Commission recommended approval 8-0.

Louis Johnson, Robert Freng, Karl Schenk, John Gunderson and Bud Johnson spoke in favor of the application.

No one spoke in opposition of the application.

There was no rebuttal statement.

**Action 18460Z:** A motion was made by Bodenstedt and seconded by Epp to approve a Conditional Use Permit for Joshua Johnson, based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for a Class E 2400 head (960 AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as Johnson Family Addition, S12-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address is 30443 446<sup>th</sup> Avenue, Volin, SD Roll call vote was taken with Bodenstedt, Epp, Kettering, and Woods voting aye; Motion carried, 4-0.

**CUP & Variance:** There was no hearing for Craig Johnson's application.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Jay Cutts. Applicant requested a permit to build/operate a Class F 2400 head (240 AU Animal Units) pork (swine under 55 pounds) nursery barn in an Agriculture district (AG) in Yankton County. Said property is legally described as W1/2, NW1/4, exc Lot 1, Block 1, Hanson Addition, S3-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address is TBA 303<sup>rd</sup> Street, Mission Hill, SD. The Planning Commission recommended approval 8-0.

Applicant Jay Cutts spoke on his CUP application.

Brad Hohn from MDS, Dan Boehner and Louis Johnson spoke in favor of the application.

Speaking in opposition were Dale Knode, Rocky Schultz, Kristi Schultz and Kathy Hanson.

Mr. Cutts gave a brief statement of rebuttal.

**Action 18461Z:** A motion was made by Epp and seconded by Kettering to approve a Conditional Use Permit for Jay Cutts, based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build/operate a Class F 2400 head (240 AU Animal Units) pork (swine under 55 pounds) nursery barn in an in an Agriculture District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as W1/2, NW1/4, exc Lot 1, Block 1, Hanson Addition, S3-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address is TBA 303<sup>rd</sup> Street, Mission Hill, SD Roll call vote was taken with Epp, Kettering, Bodenstedt and Woods voting aye; Motion carried, 4-0.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Franklin Cutts. Applicant requested a permit to build/operate a Class F 2400 head (240 AU Animal Units) pork (swine under 55 pounds) nursery barn in an Agriculture district (AG) in Yankton County. Said property is legally described as NE1/4, exc Tract B, S30-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. E911 address is TBA 447<sup>th</sup> Avenue, Mission Hill, SD. The Planning Commission recommended approval 8-0.

Jay Cutts spoke on behalf of the applicant on the CUP application.

Speaking in opposition were Doug Haar, Paige Herrig and Ramona Bagstad.

Mr. Cutts gave a brief statement of rebuttal.

**Action 18462Z:** A motion was made by Kettering and seconded by Epp to approve a Conditional Use Permit for Franklin Cutts, based on Findings of Fact from the November 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build/operate a Class F 2400 head (240 AU Animal Units) pork (swine under 55 pounds) nursery barn in an in an Agriculture District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as NE1/4, exc Tract B, S30-T94N-R54 , hereinafter referred to as Volin North Township, County of Yankton, State of South Dakota. E911 address is TBA 447<sup>th</sup> Avenue, Mission Hill, SD Roll call vote was taken with Kettering, Epp, Bodenstedt and Woods voting aye; Motion carried, 4-0.

**Action 18463C:** A motion was made by Bodenstedt and seconded by Kettering to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.



**Action 18464C:** A motion was made by Bodenstedt and seconded by Epp to recess for 5 minutes. All present voted aye; motion carried.

**Action 18465C:** A motion was made by Kettering and seconded by Bodenstedt to reconvene. All present voted aye; motion carried.

**Action 18466Z:** A motion was made by Bodenstedt and seconded by Kettering to adopt the following resolution Whereas it appears, Melvin Peterson, owner of record, has caused a plat to be made of the following real property: Julie and Mitch Addition, S1/2, SE1/4, S8-T95N-R57W, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried

**Missouri River Sedimentation:** Sandy Stockholm from Missouri Sedimentation Action Coalition (MSAC) appeared before the board to give an update on the sediment management plan for Lewis and Clark Lake.

**Cell tower:** Appraisal was given from Dan Specht of Vision Real Estate Services on Cell Tower. The tower was appraised with no value.

**Action 18467C:** A motion was made by Kettering and seconded Bodenstedt to approve the appraisal based on the correct description. All present voted aye; motion carried

**Grievance:** Commissioner Bodenstedt read a letter of findings from the grievance filed from Yankton County employees regarding wages. Committee consisting of Jim Vlahakis, Rob Klimisch, Lori Mackey, Commissioners Kettering and Bodenstedt found an unexplained change in the wage scale from 2010 to 2011. It was the recommendation of the committee to correct the wage scale from when the grievance was filed to present.

**Action 18468C:** A motion was made by Bodenstedt and seconded by Kettering to increase the wage per month for the following county employees: Deputy Director of Equalization \$4,603.67, Certified Appraiser/GIS \$4,131.13, Certified Appraiser #4,010.81, Sr. Jail Corporal .50/hour and Jail Sargent's .50/hr. All present voted aye; motion carried.

Commissioner Kettering said he was working on the job description for a human resources manager and his recommendation would be to present it to the new board in January for their consideration.

**Action 18469C:** A motion was made by Bodenstedt and seconded by Kettering to recess the regular session at 8:45 p.m. and convene in executive session to discuss a personnel issue. All present voted aye; motion carried.

**Action 18470C:** A motion was made by Bodenstedt and seconded by Kettering to adjourn executive session at 8:51 p.m. and reconvene in regular session. All present voted aye; motion carried.

Chairman Woods reported no action would be taken as a result of the executive session. There was one public comment from Louis Johnson.

**Action 18471C:** A motion was made by Epp and seconded by Bodenstedt to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, December 18, 2018.

**Todd Woods**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor